

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

**DARYLE L. HUMPHRIES,**

Plaintiff,

**v.**

**P. CURRY,**

Defendant.

Case No. 2:22-cv-00090 KJN PC

**~~PROPOSED~~ ORDER GRANTING  
DEFENDANT'S SECOND MOTION TO  
MODIFY THE DISCOVERY AND  
SCHEDULING ORDER**

Plaintiff is a state prisoner, proceeding pro se. He previously requested a settlement conference. (ECF No. 33.) On September 22, 2023, defendant filed a second request to modify the discovery and scheduling order. Defendant requests a settlement conference and that the court extend the dispositive motion deadline or stay the case to facilitate a settlement conference.


“The district court is given broad discretion in supervising the pretrial phase of litigation.” Johnson v. Mammoth Recreations, Inc., 975 F.2d 604, 607 (9th Cir. 1992) (citation and internal quotation marks omitted). Rule 16(b) provides that “[a] schedule may be modified only for good cause and with the judge’s consent.” Fed. R. Civ. P. 16(b)(4). “The schedule may be modified ‘if it cannot reasonably be met despite the diligence of the party seeking the extension.’” Zivkovic v. Southern California Edison Co., 302 F.3d 1080, 1087 (9th Cir. 2002) (quoting Johnson, 975 F.2d at 607).

1 Good cause appearing, defendant's motion to modify the discovery and scheduling order  
2 and the parties' requests for settlement conference are granted. The Clerk of Court is directed to  
3 assign a magistrate judge to hold a settlement conference in this matter. The September 25, 2023  
4 deadline for filing dispositive motions is extended and stayed pending completion of the  
5 settlement conference. If the case does not settle, dispositive motions shall be filed thirty days  
6 after the settlement conference is completed.

7 Accordingly, IT IS HEREBY ORDERED that:

- 8 1. Defendant's motion to modify (ECF No. 37) is granted.
- 9 2. The parties' requests for settlement conference are granted.
- 10 3. The Clerk of the Court is directed to assign a magistrate judge to hold a settlement  
11 conference.
- 12 4. The September 25, 2023 deadline for filing dispositive motions is extended to thirty  
13 days after the settlement conference is conducted, and such deadline is stayed pending completion  
14 of the settlement conference. If the case does not settle, dispositive motions shall be filed thirty  
15 days after the settlement conference is completed. No other deadlines are affected by this order.

16 Dated: September 25, 2023

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18 KENDALL J. NEWMAN  
19 UNITED STATES MAGISTRATE JUDGE

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